

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of  Modernizing the FCC Form 477 Data Program	WC Docket 11-10
Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership	WC Docket No. 07-38
Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering	WC Docket No. 08-190
Review of Wireline Competition Bureau Data Practices	WC Docket No. 10-132

**REPLY COMMENTS OF LEVEL 3 COMMUNICATIONS, LLC**

Level 3 Communications, LLC (“Level 3”) submits these reply comments in response to the Federal Communication Commission’s (“Commission”) Notice of Proposed Rulemaking (“*NPRM*”) on how best to modernize the Wireline Competition Bureau’s Form 477 Data Program.<sup>1</sup> Level 3 supports the Commission’s overall efforts to improve how it collects and uses information concerning the broadband marketplace and how those efforts assist in fulfilling the goals of the National Broadband Plan. Level 3 also supports those parties who urge the Commission to adopt an approach to broadband data collection that minimizes burdens on reporting entities, and takes into consideration whether the Form 477 is the best format for

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<sup>1</sup> *Modernizing the FCC Form 477 Data Program*, Notice of Proposed Rulemaking, WC Docket Nos. 11-10, 07-38, 08-190, and 10-132 (rel. Feb. 8, 2011) (“*NPRM*”).

obtaining the data necessary to meet the Commission’s broadband data collection goals.<sup>2</sup> Below, Level 3 identifies specific concerns it has with certain proposals made in the Commission’s *NPRM*, and requests that it take them into consideration upon crafting any new rules to reform the Form 477 data reporting process.

## **DISCUSSION**

### **I. FREQUENCY AND ADDRESS-LEVEL REPORTING PROPOSALS**

Should the Commission implement changes to its 477 reporting process, Level 3 urges it to carefully weigh the usefulness of additional data and the burdens obtaining such data would place on reporting providers. For instance, Level 3 agrees with commenters who argue that increasing the frequency of the 477 reporting process would be too resource intensive, both because of the additional time it would take to report more frequently, and because of the additional monetary and human resources necessary to accomplish the task.<sup>3</sup> Level 3 argues that additional data presented through more frequent reporting would be of minimal benefit to the Commission, and agrees with arguments that less frequent reporting, or at most at the current semi-annual level, would not only be less time-consuming for industry, but may also be more beneficial to the Commission’s ability to properly analyze reported data.<sup>4</sup>

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<sup>2</sup> See e.g., Comments of Sprint Nextel Corporation, WC Docket Nos. 11-10, 07-38, 08-190, 10-32 (“Sprint Comments”); Comments of T-Mobile USA, Inc., WC Docket Nos. 11-10, 07-38, 08-190, 10-32 (T-Mobile Comments”); Comments of Time Warner Cable, Inc., WC Docket Nos. 11-10, 07-38, 08-190, 10-32 (“TWC Comments”); Comments of AT&T, Inc. WC Docket Nos. 11-10, 07-38, 08-190, 10-32 (“AT&T Comments”); Comments of Verizon and Verizon Wireless, WC Docket Nos. 11-10, 07-38, 08-190, 10-32 (“Verizon Comments”).

<sup>3</sup> See TWC Comments; AT&T Comments; Joint Comments of CenturyLink and Qwest, WC Docket Nos. 11-10, 07-38, 08-190, 10-32 (“CenturyLink/Qwest Comments”) at 13.

<sup>4</sup> See TWC Comments at 30; AT&T Comments at 15-18.

Level 3 is sensitive to the concerns commenters have with the Commission's proposal to report data at the address-level,<sup>5</sup> and recognizes that data reported at the address-level may not be feasible for wireless providers.<sup>6</sup> While it urges the Commission to avoid making burdensome changes to its rules as a matter of course, Level 3 would find reporting data on an address-level basis to be less onerous than the current requirement to report broadband data at the census tract level. In addition, Level 3 would urge the Commission to adopt consistent geographic reporting formats for all data. For instance, Level 3 suggests that both telephone service data, which is currently reported by state, and broadband service data, which is currently reported by census tract, should be reported at the same geographic level.

## **II. SPEED AND PRICING DATA PROPOSALS**

Level 3 currently does not have the capability to report actual speeds by either geographic area, or on an end-to-end basis, reflecting an end user's typical Internet performance. It therefore agrees with those parties who urge the Commission to avoid imposing such a requirement, and argue that collecting such data is an intricate, time consuming and expensive endeavor.<sup>7</sup> Imposing this rule would be particularly burdensome for Level 3, and would require large capital investment in order to upgrade equipment and back-office systems to track such data. In addition, a wholesale provider such as Level 3, which does not serve the ultimate end user, would have difficulty determining speed on an end-to-end basis.

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<sup>5</sup> See TWC Comments at 10; AT&T Comments at 37.

<sup>6</sup> See T-Mobile Comments at 3.

<sup>7</sup> See *i.e.*, AT&T Comments at 40; Sprint Comments at 7; TWC Comments at 15.

Level 3 supports parties who argue that requiring providers to report pricing data in the Form 477 is excessively burdensome, and does not fit well within the Form 477 framework.<sup>8</sup> For instance, T-Mobile argues that “[f]or most providers, prices fluctuate frequently because of promotions, targeted regional plans, and many other factors, and would be nearly impossible to keep current in filings.”<sup>9</sup> This is particularly true for wholesale providers such as Level 3, whose prices are often the result of negotiated agreements tailored to specific customer needs.

### **III. SERVICE QUALITY AND CUSTOMER SATISFACTION DATA PROPOSALS**

Finally, Level 3 supports those parties who argue that service quality and customer satisfaction data should not be collected within the Form 477 framework.<sup>10</sup> For instance, TWC argues that service quality “cannot be accurately assessed through the types of metrics that might be reported through Form 477.”<sup>11</sup> Furthermore, Sprint points out that “[d]eveloping new systems to collect [service quality and customer satisfaction] data . . . will be costly.”<sup>12</sup> Level 3 agrees and urges the Commission to seek such data from providers, if at all, outside the context of the Form 477 reporting process.

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<sup>8</sup> See T-Mobile Comments at 13.

<sup>9</sup> T-Mobile Comments at 13.

<sup>10</sup> See Sprint Comments at 4-5; TWC Comments at 13-15; Verizon Comments at 25.

<sup>11</sup> TWC Comments at 15.

<sup>12</sup> Sprint Comments at 5.

## CONCLUSION

Level 3 is mindful of the Commission's needs for accurate information about broadband deployment and is prepared to assist in accomplishing these goals. However, it respectfully requests that the Commission carefully weigh the benefits and burdens of the proposals made in its *NPRM* before determining new reporting requirements within the context of the Form 477 reporting process.

Respectfully submitted,

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